

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
8

9 MICHAEL PATTERSON,

10 Petitioner,

11 vs.

12 JO GENTRY, et al.,

13 Respondents.
14

Case No. 2:17-cv-02131-JCM-GWF

ORDER

15 Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF
16 No. 1). Petitioner, through his counsel in the state post-conviction proceedings, has filed an ex parte
17 motion for appointment of counsel (ECF No. 2), asking for those counsel to be appointed to
18 represent him in this court. The Federal Public Defender has filed an ex parte motion for
19 appointment of counsel (ECF No. 4), asking for the Federal Public Defender to represent him. The
20 court accepts the representations of the Federal Public Defender that petitioner's case warrants the
21 appointment of counsel. The court assumes that the Federal Public Defender's motion supersedes
22 state post-conviction counsel's motion. Furthermore, in the absence of a conflict of interest, the
23 Federal Public Defender represents § 2254 habeas corpus petitioners in this court. The court will
24 appoint the Federal Public Defender.

25 IT IS THEREFORE ORDERED that the ex parte motion for appointment of counsel (ECF
26 No. 2), filed August 8, 2017, is **DENIED** as moot.
27
28

1 IT IS FURTHER ORDERED that the ex parte motion for appointment of counsel (ECF No.
2 4), filed September 20, 2017, is **GRANTED**. The Federal Public Defender is appointed to represent
3 petitioner.

4 IT IS FURTHER ORDERED that petitioner shall have sixty (60) days from the date of entry
5 of this order to file an amended petition for a writ of habeas corpus.

6 IT IS FURTHER ORDERED that neither the foregoing deadline nor any extension thereof
7 signifies or will signify any implied finding of a basis for tolling during the time period established.
8 Petitioner at all times remains responsible for calculating the running of the federal limitation period
9 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

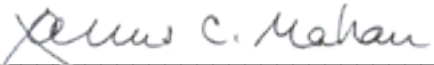
10 IT IS FURTHER ORDERED that the clerk shall add Adam Paul Laxalt, Attorney General
11 for the State of Nevada, as counsel for respondents.

12 IT IS FURTHER ORDERED that the clerk shall electronically serve both the Attorney
13 General of the State of Nevada and the Federal Public Defender a copy of the petition (ECF No. 1)
14 and a copy of this order.

15 IT IS FURTHER ORDERED that respondents' counsel shall enter a notice of appearance
16 within twenty (20) days of entry of this order, but respondents need not file any other response to
17 this order.

18 IT IS FURTHER ORDERED that the hard copy of any electronically filed exhibits shall be
19 forwarded—for this case—to the staff attorneys in Las Vegas.

20 DATED: October 25, 2017.

21
22 
23 JAMES C. MAHAN
24 United States District Judge
25
26
27
28